

EXHIBIT A

FILED: ERIE COUNTY CLERK 05/04/2017 04:20 PM

NYSCEF DOC. NO. 1

INDEX NO. 805998/2017

RECEIVED NYSCEF: 05/04/2017

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

OLIVER CONOVER,

Plaintiff,

Index No.:

v.

THE GOODYEAR TIRE & RUBBER COMPANY
and TOM KUCZMA

SUMMONS

Defendants.

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to service a notice of appearance, on Plaintiff's Attorney within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: May 4, 2017
Buffalo, NY 14202

/s/ Scott R. Orndoff
Scott R. Orndoff, Esq.
Attorney for Plaintiff
FLYNN|WIRKUS|YOUNG, P.C.
534 Delaware Avenue, Suite 014
Buffalo, NY 14202
716-858-3112 - Phone
617-773-5510 - Facsimile

G:\F & A\CASE FILES\Plaintiff Cases\Conover, Oliver\Pleadings\Complaint & Answer\Summons 5.4.17.docx

To: The Goodyear Tire & Rubber Company
200 Innovation Way
Akron, Ohio 44136-0001

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourtheelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: May 4, 2017

Scott R. Orndoff
Signature

Scott R. Orndoff, Esq.

Name

Flynn Wirkus Young, P.C.

Firm Name

400 Crown Colony Drive, Suite 601

Address

Quincy, MA 02169

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sorndoff@flynnwirkus.com/mspicuzza@flynnwirk

E-Mail

To: The Goodyear Tire & Rubber Compan

200 Innovation Way

Akron, OH 44136-0001

9/3/15

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NYSCEF DOC. NO. 2

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

OLIVER CONOVER,

Plaintiff,

Index No.:

v.

THE GOODYEAR TIRE & RUBBER COMPANY
and TOM KUCZMA

COMPLAINT

Defendants.

Plaintiff, above named, by his attorneys Flynn|Wirkus|Young, P.C., for his Complaint against Defendants THE GOODYEAR TIRE & RUBBER COMPANY and TOM KUCZMA, alleges the following;

THE PARTIES

1. Plaintiff, OLIVER CONOVER, ("Plaintiff") at all times hereinafter mentioned was and still is a resident of the City of Buffalo located within the County of Erie and the State of New York.

2. Upon information and belief, at all times hereinafter mentioned, Defendant, THE GOODYEAR TIRE & RUBBER COMPANY ("Goodyear") was and still is an Ohio Company that maintains an office for the transaction of business within the State of New York.

3. Upon information and belief, at all times hereinafter mentioned, Defendant TOM KUCZMA was and is a manager of the Goodyear retail outlet located the premises described below.

4. Upon information and belief, at all times hereinafter mentioned, Defendant TOM KUCZMA was and still is a resident of the State of New York.

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NYSCEF DOC. NO. 2

INDEX NO. 805998/2017

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5. Upon information and belief, at all times hereinafter mentioned, Goodyear, owned(s), possessed(es), and/or exercised(es) control over a certain premise located at 1355 Main Street, within the City of Buffalo, County of Erie and the State of New York.

STATEMENT OF FACTS

6. Plaintiff incorporates by reference all of the allegations contained in the foregoing paragraphs as if fully restated herein.

7. On or about January 19, 2015, Plaintiff was lawfully on the aforementioned premises in his capacity as an employee of Napa Auto Parts.

8. At that time, Plaintiff was caused to slip and fall due to a hazardous snow/ice condition on the aforementioned property.

9. Upon information and belief, Defendants and/or their agents, servants, and/or employees caused, created, contributed to, and/or allowed the aforementioned condition to exist.

10. Upon information and belief, Defendants and/or its agents, servants, and/or employees had actual and/or constructive notice of the aforementioned condition.

11. As a result of said slip, Plaintiff was caused: 1) to sustain serious bodily injury; 2) to sustain past, present and future pain, suffering and emotional distress; 3) to incur past, present and future medical expenses; 4) and to incur past, present and future loss of income and/or loss of earning capacity.

12. Upon information and belief, as a result of the foregoing, Plaintiff has been damaged in an amount that exceeds the jurisdiction of all lower courts.

FILED: ERIE COUNTY CLERK 05/04/2017 04:20 PM

INDEX NO. 805998/2017

NYSCEF DOC. NO. 2

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COUNT I — NEGLIGENCE

13. Plaintiff incorporates by reference all of the allegations contained in the foregoing paragraphs as if fully restated herein.

14. Defendants owed a duty of care to Plaintiff to maintain the aforementioned premises in a reasonably safe condition.

15. Defendants negligently breached this duty by causing, creating, contributing to, failing to remedy, and/or allowing the aforementioned condition to exist.

16. As a direct and proximate result of Defendants' negligence, Plaintiff sustained the aforementioned damages.

17. As a result of the foregoing, Plaintiff has sustained general and special damages in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, Plaintiff OLIVER CONOVER demands judgment against Defendants THE GOODYEAR TIRE & RUBBER COMPANY and TOM KUCZMA, in the First Cause of Action in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction; and for such additional, other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

Oliver Conover, Plaintiff,
By his attorney,

/s/ Scott R. Orndoff

Scott R. Orndoff, Esq., Bar Roll #4223525

sorndoff@flynnwirkus.com

Flynn|Wirkus|Young, P.C.

534 Delaware Avenue, Suite 014

Buffalo, NY 14202

716-858-3112 – Phone

Dated: May 5, 2017
Buffalo, NY 14202

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie

-----X

Oliver Conover

Plaintiff/Petitioner,

- against -

Index No. 805998/2017

The Goodyear Rubber & Tire Company and Tom Kuczma

Defendant/Respondent.

-----X

NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

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Dated: May 4, 2017


Signature

Scott R. Orndoff, Esq.

Name

Flynn Wirkus Young, P.C.

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Address

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sorndoff@flynnwirkus.com/mspicuzza@flynnwirk

E-Mail

To: David Kuczma, c/o Napa Auto Parts

1355 Main Street

Buffalo, NY 14209

9/3/15